

**Exhibit 1: Excerpts of Registered Poultry Feeding Operations Act**

2 Okla. Stat. § 10-9.1(B)(1)-(2) (emphasis added)

(B) As used in Sections 1 through 23 of this act:

(1) “Animal Waste Management Plan” or “AWMP” means a written plan that includes a combination of conservation and management practices *designed to protect the natural resources of the state* as required by the State Department of Agriculture pursuant to the provisions of Section 7 of this act;

(2) “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices *which prevent or reduce the pollution of waters of the state* as established by the State Department of Agriculture pursuant to Section 7 of this act.

2 Okla. Stat. § 10-9.7(A)-(C) (emphasis added)

(A) All poultry feeding operations shall utilize Best Management Practices and shall meet the conditions and requirements established by subsection B of this section and by rules promulgated by the State Board of Agriculture pursuant to the Oklahoma Registered Poultry Feeding Operations Act.

(B) *The criteria for Best Management Practices shall be promulgated by rules by the Board and shall include*, but not be limited to, the following:

- (1) There shall be no discharge of poultry waste to waters of the state;
- (2) Stored poultry waste shall be isolated from outside surface drainage by ditches, dikes, berms, terraces or other such structures;
- (3) No waters of the state shall come into direct contact with the poultry confined on the poultry feeding operation;
- (4) Poultry waste handling, treatment, management and removal shall:
  - (a) not create an environmental or a public health hazard,
  - (b) not result in the contamination of waters of the state, and
  - (c) conform to such other handling, treatment and management and removal requirements deemed necessary by the State Department of Agriculture to implement the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

The rules promulgated by the Board pursuant to this section shall provide for exceptions to the storage requirements for poultry waste in emergency situations. Such exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. In such situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.

(C) Every poultry feeding operation *shall have an Animal Waste Management Plan* which shall include at a minimum:

- (1) A description of poultry waste handling procedures and availability of equipment and type of equipment to be used;
- (2) The calculations and assumptions used for *determining land application rates*;
- (3) All nutrient analysis data, for soil and poultry waste testing;
- (4) Legal description of lands to be used by an operation for land application;
- (5) *Land application rates of poultry waste shall be based on the available nitrogen and phosphorous content of the poultry waste and shall provide controls for runoff and erosion as appropriate for site conditions*;
- (6) *The procedures documented in the Animal Waste Management Plan must ensure that the handling and utilization of poultry waste complies with the following requirements:*
  - (a) adequate poultry waste storage shall be provided consistent with rules promulgated by the State Department of Agriculture pursuant to subsection B of this section,
  - (b) poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen except in conformance with the Animal Waste Management Plan,
  - (c) poultry waste shall only be applied to suitable land at appropriate times and rates. Discharge or runoff of waste from the application site is prohibited. *Timing and rate of applications shall be based on assimilation capacity of the soil profile, assuming usual nutrient losses, expected precipitation, and soil conditions*, and
  - (d) poultry waste application shall be prohibited on land subject to excessive erosion;
- (7) Records shall be maintained of all poultry wastes applied on land owned or controlled by the operator, and sold or given to other persons:
  - (a) if the poultry waste is sold or given to other persons for land application or other use, the poultry feeding operation shall maintain a log of: date of removal from the poultry feeding operation; name of recipient the poultry waste is sold or given to; and amount in wet tons, dry tons or cubic yards of poultry waste removed from the poultry feeding operation, and
  - (b) the poultry feeding operation shall make available to the recipient any nutrient sample analysis from that year;
- (8) Any analysis required by the provisions of the Oklahoma Registered Poultry Feeding Operations Act or rules promulgated thereto shall be performed by a qualified environmental testing laboratory certified by the Department of Environmental Quality and approved by the State Department of Agriculture; and
- (9) Such other information deemed necessary by the State Department of Agriculture to administer the provisions of the Oklahoma Registered Poultry Feeding Operations Act and rules promulgated pursuant thereto.

Okla. Admin. Code § 35:17-5-3(b) (emphasis added)

(b) Animal Waste Management Plan.

(1) Every poultry feeding operation shall obtain or apply for an approved Animal Waste Management Plan addressing both nitrogen and phosphorus by January 1, 1999.

(2) All new operators of poultry feeding operations shall obtain or apply for an Animal Waste Management Plan prior to construction of the facility.

(3) *The Animal Waste Management Plan shall be prepared by USDA NRCS or an entity approved by the State Department of Agriculture.*

(4) Plans shall be reviewed and updated at least every six (6) years from the date the AWMP was obtained. Plans shall also be reviewed and updated in the following circumstances:

(A) When a change in the waste utilization standards occurs and upon notification by the State Department of Agriculture.

(B) Upon recommendation of the State Department of Agriculture.

(5) Plans shall be updated prior to the expansion of a facility.

(6) All poultry feeding operations with an existing Animal Waste Management Plan not based on a soil test and current USDA NRCS phosphorus standards shall update the plan or apply for an update by January 1, 1999 and the plan shall address both nitrogen and phosphorus.

(7) Implementation of the AWMP shall occur within ninety (90) days of receipt of the AWMP unless otherwise determined by the State Department of Agriculture. *In no event shall the poultry feeding operation land apply poultry waste in excess of the current USDA NRCS Waste Utilization Standards, unless the State Department of Agriculture approves other standards.*

Okla. Admin. Code § 35:17-5-5 (emphasis added)

Animal Waste Management Plan requirements

(a) The Animal Waste Management Plan shall contain, at a minimum, the following:

(1) A description of poultry waste handling procedures and availability of equipment and type of equipment to be used.

(2) *The calculations and assumptions used for determining land application rates.*

(3) All nutrient analysis data, including soil and poultry waste testing.

(4) Legal description of lands to be used by an operation for land application.

(5) Soils map with description and type or series.

(6) *Land application rates of poultry waste shall be based on the available nitrogen and phosphorus content of the poultry waste and soil test results.*

(7) *The procedures documented in the AWMP shall ensure that the handling and*

*utilization of poultry waste complies* with the following requirements:

- (A) Adequate poultry waste storage shall be provided. Poultry waste shall not be stored without adequate protection from rainfall and runoff. All new poultry feeding operations shall make provisions for storage of poultry waste prior to operating. Exceptions to storage requirements for poultry waste in emergency situations shall be granted on a case by case basis. Exceptions shall include but not be limited to allowing a contract poultry grower to take such actions as are necessary to meet requirements imposed on a grower by an integrator. However, in all situations growers shall be required to take all actions feasible to prevent pollution from stored poultry waste.
  - (B) Poultry waste shall not be applied to land when the ground is saturated or during rainfall events. Poultry waste shall not be applied to land when the ground is frozen or snow covered except in conformance with the AWMP.
  - (C) Poultry waste shall only be applied to suitable land at appropriate times and rates as specified by the AWMP. Runoff of poultry waste from the application site is prohibited.
  - (D) All practices necessary to minimize movement of poultry waste to watercourses shall be utilized and documented in the AWMP.
  - (E) Edge of field, grassed strips shall separate water courses from runoff which may be carrying eroded soil and poultry waste.
  - (F) Poultry waste application shall be prohibited on land subject to excessive erosion.
  - (G) Land application rates of poultry waste shall provide controls for runoff as appropriate for site conditions.
- (b) The AWMP shall also include a method for the disposal of carcasses. The AWMP shall include provisions for disposal of carcasses associated with normal mortality and shall include provisions for emergency disposal when a major disease outbreak or other emergency results in deaths significantly higher than normal mortality rates. Accepted methods of carcass disposal include:
- (1) Rendering
    - (A) Disposal of all carcasses shall occur within a reasonable period of time as approved by the State Department of Agriculture.
    - (B) Storage facilities shall be sealed or have lids and maintained so as to prevent pests and odors.
  - (2) Burial shall only be allowed as a method of carcass disposal if no reasonable alternative exists and specific measures and practices are identified which will be utilized to protect the ground and surface waters of the State.
  - (3) Composting by methods as approved in the AWMP.
  - (4) Incineration shall only be used as a method of carcass disposal if the poultry feeding operation has a valid air quality permit from the Oklahoma Department of Environmental Quality, Air Quality Division, if required.

(c) Storage and land application of poultry waste shall not cause a discharge or runoff of significant pollutants to waters of the State or cause a water quality violation to waters of the State.

(d) The operator shall notify the State Department of Agriculture within twenty-four (24) hours of a discharge.